

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of)
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)

CERTAIN GARAGE DOOR OPERATORS)
INCLUDING COMPONENTS THEREOF)
)
_____)

Investigation No. 337-TA-459

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW TWO INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO THREE
RESPONDENTS ON THE BASIS OF CONSENT ORDERS; ISSUANCE OF CONSENT
ORDERS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review two initial determinations (“IDs”) issued by the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to respondents Linear Corporation, Wayne-Dalton Corporation, and Martec Access Products, Inc. on the basis of consent orders.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, tel. (202) 205-3096. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, tel. 202-205-2000. General information concerning the Commission may also be obtained by accessing the Commission’s internet server at <http://www.dockets.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS-ON-LINE) at <http://www.dockets.usitc.gov/eol.public>. Hearing impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal at (202) 205-1810.

SUPPLEMENTAL INFORMATION: The Commission instituted this investigation on July 19, 2001, based on a complaint filed by the Chamberlain Group, Inc. of Elmhurst, Illinois (“Chamberlain”) against six respondents, including Linear Corporation (“Linear”) and Wayne-Dalton Corporation (“Wayne-Dalton”). 66 *Fed. Reg.* 37704 (July 19, 2001). Martec Access Products, Inc. (“Martec Access”) was subsequently added to the investigation as an additional respondent. 66 *Fed. Reg.* 65511 (Dec. 19, 2001). The

complaint alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain garage door operators including components thereof by reason of infringement of claims 1-8 of U.S. Letters Patent Re. 35,364 and claims 5-30 of U.S. Letters Patent Re. 36,703.

On January 20, 2002, complainant Chamberlain and respondent Linear jointly moved to terminate the investigation as to Linear on the basis of a settlement agreement, a consent order stipulation, and a proposed consent order. On February 5, 2002, complainant Chamberlain and respondents Wayne-Dalton and Martec Access jointly moved to terminate the investigation as to Wayne-Dalton and Martec Access on the basis of a settlement agreement, a consent order stipulation, and proposed consent orders. The Commission investigative attorney supported both joint motions. On June 4, 2002, the ALJ issued IDs (Orders Nos. 16 and 17) granting both joint motions. No petition for review of either ID was filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.42 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.42.

By Order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: June 25, 2002